

Security Breaches: Continuing Relevance of Law and ‘ Poverty Theory’ in Nigeria

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Abstract

A Matter for serious thought is the complexity of the challenges threatening Nigeria with respect to security. Citizens live in apprehension and intimidation from “ vampiric” groups of the society as there is virtually, no day passed-by without recurrent news reportages of security breaches, in nearly all parts of the country, and almost always resulting in bloodshed. It is against this background that this paper, which is largely a doctrinal research aims at probing into what is amissed with the nation. It is found, among others, that the wide spread poverty is the major challenge impinging Nigeria’ s collective national security. The paper promotes the need to think of security in the broader sense, particularly as efforts to secure the basic necessities of life, for more often than not, economic problems have roots in poverty but are hidden under ethno-religious and other assorted canopies. Therefore, the paper also calls for diversification of “ security votes” to poverty alleviation because poverty exacerbates all sorts of problems. This somewhat expansive theory of security is important for realization of physical and national security. Considering our endowments, experiences and the role played in international peace keeping operations, the paper postulates that we are capable of surmounting our challenges if, and only when we are resolute.

Keywords: Security breaches, National-security, Poverty-theory, Law, Nigeria.

Introduction

Constitutionalism associated with civil rule and the accompanying liberal environment for freedom of expression and association as guaranteed under sections 39 and 40 of Nigeria’ s 1999 Constitution; and as has been upheld in court decisions such as the case of *Attorney General of the Federation v Guardian Newspapers* (1999: 187) and *Attorney General of the Federation v Ajayi* (2000: 509) made it possible for citizens to be able to express their frustrations triggered by poverty. The expression of vexations cause by poverty is often accompanied by security threats or breaches. Worse still, intelligence gathering that ought to be of concern to everyone is not being taken serious by many who simply ignore unusual signs in their environment. It has turned out to be obvious however, that issues of insecurity must be prioritised by everyone. This paper therefore probes into the peculiar nature of security problems in Nigeria, and highlights the main factors aggravating the situation. Importantly, it is contended that since much of the citizens are living in miserable poverty while the exceptionally few who are not so living do not appear to care, it would be hard if not practically impossible to secure the populace. And therefore, that a more sensible thing to do is to begin with poverty alleviation and to strive towards its eradication.

Security Defined

Security is most often understood as safety of life and property; and as freedom from physical or psychological harm. To secure is to be free from danger, harm or apprehension; a state of psychological confidence in the safety of one’ s person. Thus, depending on the context in which its used security can mean different things. But in the context of this paper security is taken to mean freedom of citizens from apprehension, and creation of a psychological environment in which the citizens feel safe. What makes one secure can be in the forms of military or police presence; so also are sound policies and programmes that guarantees citizens’ social and economic freedoms. Hence, being secured is a state in which there is a system that is just, where there is no menace to one’ s continued existence and enjoyment of liberty. Thus, according to Olagunju (2000: 6) a secured person is one whose situations and expectations are protected, and whose political and socio-economic rights are assured. This broad definition of security implies that it is not only overt and direct threats, or absence of threats to the person or property that may be considered important, but ability to respond to such threats with expediency and expertise.

The Constitution and Security

In order to guarantee security, section 4(2) of the Nigerian Constitution makes provisions not only for internal security of persons and property, but also against external aggressions. Section 4(3)-(4) of the Constitution vests in the National Assembly which consists of two chambers, namely the Senate and the House of Representatives, with the powers to make laws for the peace, order and good government of the federation, or any part thereof with respect to all matters in the Exclusive and Concurrent Legislative List. The Houses of Assembly of States are also empowered by section 4(7) (a)-(b) to make laws on same subject matters, that is, for the peace and order in the their respective States, on matters included in the Concurrent Legislative list set out in the first column of part II of the second schedule to the Constitution. It need to be added that the concept of internal security might be subsumed under the fundamental human rights provisions in chapter IV spanning sections 33-46 of the Constitution. This is possible, especially when resort is made to the relevant provisions of the African Charter on Human and Peoples' Rights (Ratification & Enforcement) Act (2010). Similarly, the Directive Principles of State Policy contained in chapter II covering sections 13-24 of the Constitution contains provisions on aspects of security. Section 14(2)(b) thereof provides for security both as a way of governance and as an idea. Indeed, the section regards security and wellbeing of citizens as the most important object of government; though as stately and noble as the duty in the section is, it does not grant a right of action or remedy in court, because section 6(6)(c) of the same Constitution makes the directive principles of the State policy listed in chapter II to be non-justiciable. By this therefore the provisions are reduced to mere philosophical aspiration, since the government cannot be answerable by legal action for failure to provide security for the citizens except, perhaps where such action is also coined in other provisions of the Constitution that bestow rights of action (*Okogie v Attorney General of Lagos State* (1981)). Nevertheless, it is submitted that since the Constitution ties the issue of security unwaveringly to the people's wellbeing, and to the continued existence of the State itself; and considering that security might be incorporated into human rights as discussed above, the Directive Principles remain a guide which those in power at all tiers of government are obliged to be mindful of (*Esho v Lagos State House of Assembly* (2007: 194, 211)).

Nature of Breaches in Nigeria

Nigeria is a diverse polity of well over two hundreds ethnic groups, though the country is primarily made up of three main groups, namely Hausa-Fulani, Igbo and Yoruba. However, diversity of the ethnic groups of the country often triggers crises oscillating amidst of the activities of the largely, though not exclusively youths based ethnic militias and/or social organizations seeking to influence the structure of power in the country, or trying to call attention to perceived deteriorating material conditions; political deprivation or marginalization of their groups. Such groups include the Arewa Peoples Congress (Hausa-Fulani); Movement for the Actualization of the Sovereign States of Biafra (MASSOB, Igbo); Odua Peoples Congress (OPC, Yoruba), Niger Deltal People Volunteers Force (NDPVF); the Federation of the Niger Delta Ijaw Communities (FNDIC, Ijaw); the Egbesu Boys, Bakassi Boys (South East) to mention a few (Adejumo 2003: 166) (Larab 2009); (Obi 2006: 6).

The activities of most of the ethnic groups listed above, and many other unmentioned, have resorted to 'ethnic' violence. For instance, the OPC was in the past linked with most of the clashes of ethnic classifications in the South-Western Nigeria. In the North-Central State of Taraba alone, there are militias groups like the Jukun Militias, Kuteb Militias and Mambilla Millitas *et cetera*, all of which obviously serve as rallying points of mobilization in times of conflicts. Sometimes, these ethnic groups also engage in acts threatening national integration. For instance, the MASSOB is known for singing the old *Biafran* Anthem, and hosting of *Biafra's* Flag in South-East. *Biafra* or officially Republic of *Biafra* was a self-proclaimed secessionist State in the now South-Eastern Nigeria. It existed from between 30 May 1967 to 15 January 1970. But it is not all ethnic militia groups in Nigeria that are, strictly speaking, rebel movements since their aim are not always to capture political power, but to serve as socio-cultural and pressure groups calling attention to the worsening material condition of their people. Also, the activities of some of the groups sometimes threaten socio-economic activities. On this point, the *Egbesu* Boys and the NDPVF are both militant and military wings of the *Ijaw* Youth Council which often adopt guerilla style operations, and have been linked to organized crimes including looting

of oil from pipelines and installations (Ibeaku and Luckham, 2006). This is perhaps, the biggest challenge hurting the chances of increased foreign investments in the country.

Breakdown of security also arises from crises caused by the so-called natives/settlers disparity, i.e. between those who consider themselves as indigenes or the natives; against those regarded as settlers, non-natives, squatters, migrant or immigrant. The ‘natives’ are used to disparaging or labeling the “other” —the so called settlers as a category of people that do not belong, the “outsiders” . Indeed, Nigeria may be said to have been characterized by deep-rooted ethnic feelings and pre-modial assertions, as those who have co-existed for hundreds of years now fights because of denial of cultural and social rights. Nigeria has had to contend with the *Tiv-Azara* conflicts, *Tiv-Jukun* conflicts, *Bachama-Hausa* conflicts in Nassarawa and Taraba (North-Central) and Adamawa (in the North-Eastern) parts of the country respectively. It has also had to contend with clashes between the *Ife* and the *Modakeke* sub-ethnic groups in Osun (South-Western) State (Bureau of Democracy, 2011:18). The native/settlers crises has also lead to ethno-religious crises, such as the *Zagon-Kataf* crises in Kaduna State, and many of the recurrent crises in Jos, Plateau State (North-Western Nigeria). Conflicts between the supposed natives and settlers is also unabated in many other parts of Nigeria. The qualms subsists because rather than emphasizing residency, we prefer to emphasize indigenship, and have declined to stand by laws that avail all citizens with undeniable rights where ever they may live.

Conflicts between the “natives” and “settlers” persists in spite of the fact that the Constitution clearly makes provisions on the issue of nationality. A perusal of sections 25 and 42 of the Constitution unambiguously shows that the law does not distinguish between “natives” and “settlers”. The Courts have also declared in cases such as *Shugaba v Minister of Internal Affairs* (1981: 459) and *Ahmed v Minister of Internal Affairs* (2002: 239) that what is significant is the nationality; and that any person born in Nigeria, provided that both or either of his parents, or one of the grand parents is a citizen of Nigeria by birth is a Nigerian national. In other words, what determines the nationality of the parents or either of them is whether he/she belongs to any of the “communities indigenous to Nigeria” . It would therefore be a breach of the law to label any citizen as a settler in any other part of Nigeria. Therefore, the solution to the challenge of settlers/natives disparity is in advancing measures and course of actions that make all citizens feel at home wherever they live. It is time that an agenda is established for residency rather than indigenship as basis for responsibilities and privileges. Of course, this paper is not advocating that a “non indigene” should be or may be made a traditional ruler in their host communities.

Nigeria is also familiar with terrorism, especially of the dreaded *boko haram* terrorist group. Also, there is series of religious crisis. This is mostly between a small numbers of adherents of Christianity and of Islam, e.g. over introduction of *Shariah* legal system, the “Miss World” pageant crisis *et cetera*. There has also been many clashes between sects within the same faith over issues of religious viewpoint, dogma, scriptural interpretations and misunderstanding of ideologies, a situation exacerbated by imbalance religious teachings, and fuelled by biased, provocative and lopsided press reports. But it is important to add, that rarely is religious conflicts in Nigeria due solely to differences in religion because, more often than not, a social or economic problem is hidden under the thin guise of religion, or cover up with religion (Ahmed and Munir, 2010:2). Thus, while all religions claims to have a common message of peace, religious fanaticism, aggressiveness and violence are on the up and up, making religion a disruptive factor and a hurdle to the supposed peace.

Furthermore, the phenomenon of kidnapping and armed robbery has taken a dimension that threatens the foundation of national security. Both crimes have forced their way to the foreground such that most citizens live with fear of blood lusting kidnappers and robbers. Bank robberies has also led many including bankers, bank customers and security personels dead or injured in the process. Why the police appear not to be able to tackle the menace seems to be multifaceted. Perhaps, the police are not adequately equipped with needed wherewithal; and perhaps, portions of the police are partners in crimes. A common complaint is that robbers possess more sophisticated weapons. It would therefore not be superfluous if banks could implement modern security measures. Though the contentious subject

of State Police is outside the scope of this paper, it is submitted that the present system of unitary policing formation and deployment harmfully affects its operations. A situation in which Governors who are by section 215(4) of the Constitution are Chief Security Officers in their States can not issue binding instructions to Commissioners of Police in their States cannot provide an acceptable security.

Nigerian Factors Undermining the National Security

Of the numerous factors undermining Nigeria's security the most important, and which is the focus of this paper is that of extreme poverty in the face of extreme wealth of not many who have amassed great deal than they could ever need in their lifetime. There are also factors having to do with inter-service rivalry; lack of collaboration and failure of intelligence gathering. Failure of intelligence and its application to security challenges is of all of us. There is no way any one or institution could be exonerated from disorder with respect to security. It appears we have not really laid solid foundation for effective intelligence. Rather, we blame the security agents and every other person other than ourselves for security lapses. The core of intelligence should be to obtain information concerning likely security breach and nip it in the bud. It is no longer intelligence if the act is completed sooner than the security agencies do something. Hence, security intelligence must be down to business and preventive, because as noted earlier, security is not the absence of threats but ability to respond to breaches or threats with expediency and expertise. Each time that the law enforcement agents claim to have discovered illegal bomb manufacturing factories or kidnappers nest it is often found that such factories or den have for long been setup in those places. There is therefore apparent lapses in intelligence gathering in security arrangements.

Another factor weakening Nigeria's security is the lack of collaboration between security agencies, especially between the police and the various securities outfits. They do not seem to see one another as branches of the same tree., thus the situation at present do not appear to be cordial. It is a paradox of a house divided against itself, whereas the vicious nature of crimes accentuate the need to adopt a close relationship and complementing one another's efforts for effective crimes control, rather than the feelings of superiority of one over the other which has been undermining the *esprit de corps* among them. The foregoing brings us to the issues of communalization of security by non-State actors. This is especially because non-State actors have gain considerable popularity and legitimacy in their communities and members in terms of ability to drum up tribal violence (Ibeanu and Momoh 2008:27). There is therefore the need for legislative intervention or security sector reforms in that regard.

Most importantly, frustration caused by poverty is responsible for the many cases of security breaches. Poverty has been described variously as a state or condition of being poor, in need or want of necessities, a lack or deficiency; meagerness or inadequacy and inability to afford what should be the basic necessities of life for a person of one's status. A denial of human rights and social justice could also constitute poverty. It seems however, that poverty is better assessed from the inability to meet or enjoy basic infrastructural facilities. In other words, where one is unable to measure up to the minimum standards of living below which one may be categorized as poor, he is poverty riding (Vaidyanathan 2002), (Ode 2008: 85-105). Security threat exacerbates where the distinction between the haves and the haves-not increases the more and more. A visit to any part of Nigeria reveals a growing army of unemployment, and more commercial *okada* (motorcycles) riders than are commercial farmers. This is a sign of wants in the mist of plenty. To sustain security therefore, a straightforward and perhaps the shortest way out is to banish poverty.

Therefore, it is imperative that the poverty theory of security be embraced. Security should be seen in the expansive denotation, as the struggle to obtain the necessities of life, namely food, cloths, fuel, medicine and shelter. This is essential as many social disturbances resulting from the absence of essential human needs can lead to security complications. This submission is reinforced by the unrests in parts of Nigeria, and many parts of the world that have roots in the inactions on the part of governments to make available the basic human needs of their citizens (Abubakar, 2005). If the governments neglect to give the impression that it cares, the adversely affected citizenry would most likely be unpatriotic and be inclined to give the impression of looking the other way when others

engage in acts ill-disposed to the State's security. Citizens must therefore be shown the basis to feel obliged to their State. A deprived man has nothing to lose, and he becomes gullible to whatever idea that comes his ways, as long as it puts food in his stomach. That is why it is difficult to believe that people are fighting for religion or ethnicity. Most skirmishes have more to do with economy. Therefore, a more helpful point of view advocates that as poverty exacerbates all sorts of problems it is only by eliminating it that we can tackle the numberless problems thwarting us from attaining security.

It has however been argued, that there is no economic dimension to terrorism, murder and other hate crimes (Cait, 2012), (Endes, *et al.* 2012: 267-272.); that most terrorists are clearly not motivated by the prospect of their individual economic gains or of hopelessness of poverty; and that most terrorists are drawn from the society's elites, not from the 'have-nots' (Krueger and Maleckova, 2003: 119-114). It has also been noted and, perhaps rightly too that most of the nineteen hijackers of the 9/11 were middle class, well-educated citizens of Saudi Arabia; and that Osama Bin Laden himself was from one of the richest families in the Middle East (Krueger 2003). These points may be valid, but they only represent exceptions to the poverty theory. It is true that *Bin Ladin* was born into a rich Saudi family in which at about age 11 he inherited a fortune estimated to be worth millions of dollars; and grew up surrounded by material wealth. As for why he would prefer to live in a cave rather than in mansions or five star hotels I cannot tell. This obviously justifies the submission that, though there are many good reasons to worry about poverty, and to take action to alleviate it, ending terrorism is not one of them (Cait, 2012).

The above does not mean, however, that economics is altogether irrelevant. For while there may be strong proof that there is little nexus between terrorism and poverty, corruption by avaricious politicians is a factor leading to weak government and State's inability to enforce order, thereby becoming susceptible to all kinds of criminality. Texts on the economics of crimes suggest a number of reasons to suppose that poverty; and perhaps want of education are linked to illegal activity, especially property crimes. Indeed, available data suggests that an average person is more likely to commit property crimes if he has no wages or education, in almost the same manner that terrorist groups or other criminal syndicates would find it easier to conscript unwaged persons, as unemployed do not have opportunity cost of time (Endes, *et al* 2012). Indeed, those who believe that others have limited their economic prospects might have grievances that could lure them in to criminal acts, not primarily because of fundamental beliefs but by finance. It has been revealed, how a member of *Al-Qaeda* who was promised \$500 for a C-section for his wife soon left the organization after receiving nothing. We may also avert our minds to how the U.S. offered cash to obtain intelligence from terrorists captured in Afghanistan and Iraq; and how Saddam's son was figured out by one of his top man having been bribed by the US government.

It follows from the aforesaid that, if we are to properly appraise the cause of crime and successfully address its threats, then we must think more like economists do. The government need to channel more resources into projects that will favour the downtrodden. Although the governments at all levels have embarked on measures including the National Economic Empowerment Development (NEED) and the National Directorate of Employment (NDE) to alleviate poverty, indices reveal failure of those plans to meaningfully lessen the manace, perhaps due to lack of political will on the part of governments, and perhaps due to non-inclusion of the beneficiaries—the poor in the planning and implementation of the programmes intended for them.

Conclusions

This paper has *inter alia* explored the poverty theory to form the basis for reduction in security breaches in Nigeria. It has been established that alleviation of poverty is both a security and socio-economic issue; and therefore, in order to grow and sustain security there has to be sound security and socio-economic strategies to alleviate poverty. The paper has attempted to draw attention to the fact that a jobless, hungry, and unhappy populace can not be easy to be policed because a poverty-stricken man has nothing at stake, and therefore becomes gullible to all kinds of thinking provided it put food on his table. It is therefore recommended that the sum set as security "votes" should be channel to poverty alleviation. This is in view of the fact that security situation continues to worsen notwithstanding the

huge sum being voted for same. It is strongly believed that when such fund are routed towards poverty alleviation the deprived or the vulnerable causing security breaches will benefit therefrom, satisfied and thereby safeguarding security of lives and property. This somewhat expansive theory of security is important for realization of physical and national security. I would like to conclude by adding that since our security agents have consistently and creditably participate in peace keeping missions abroad there are reasons to trust that they could do better by far at home if only we are determined.

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